

REMARKS/ARGUMENTS

Entry of the foregoing amendment is respectfully requested for the purpose of placing the application in condition for allowance or alternatively in better condition for appeal.

The rejection of Claim 3 under 35 U.S.C. § 112 is traversed and reconsideration is respectfully requested. Claim 3 has been amended in accordance with the Examiner's suggestion.

Claims 1 and 3 have been amended to specify that the adhesive and sealant systems are rendered thixotropic and time required for incorporating said compacted hydrophobic pyrogenic silica into said adhesive and sealant systems is reduced compared to time for incorporation of silica that has not been compacted with a roller compactor or by a pressing filter belt.

The claims in the application are Claims 1, 2, 3 and 5.

The rejection of Claims 1 and 2 under 35 U.S.C. § 102(b) as anticipated by the *Hartmann, et al.*, patent (US 5,959,005), is traversed and reconsideration is respectfully requested. The *Hartmann, et al.*, patent describes a surface modified, hydrophobic silanized silica powder which has been structurally modified by a ball mill. Although it can be used in adhesives, it has no thickening effect. *Hartmann, et al.*, does not disclose a compacted silica as defined in the present claims. Furthermore, there is no suggestion that the time for incorporation of the silica into the adhesive for sealant compositions could be reduced by utilizing a compacted hydrophobic silica as defined in the present claims. Claims 1 and 2 now specify these properties which are not possessed by the *Hartmann, et al.* compositions.

Accordingly, applicants respectfully submit that *Hartmann, et al.*, does not anticipate the subject matter of Claims 1 and 2.

The rejection of Claims 1-3 and 5 under 35 U.S.C. § 102(b) in view of the published application of *Meyer, et al.*, US 2002/0077388, is traversed and reconsideration is respectfully requested.

The *Meyer, et al.*, document describes a functionalized modified silica having silyl groups on the surface which are highly hydrophobic. Although the silica of *Meyer, et al.*, has

been structurally modified by a ball mill, the resulting silica does not have any thickening effect as shown by Table 2 in para. [0015] of the published application. The *Meyer, et al.*, document does not describe any compacted silica as defined in the present claims. Applicants' Table 2 shows that the applicants' silica is incorporated into the resin much faster than is the case with a silica not compacted as defined in Claim 1. Speed of incorporation is very important; see [0167]. Accordingly, applicants respectfully submit that the *Meyer, et al.*, publication does not anticipate the claims of this application.

The rejection of Claims 1, 2, 3 and 5 under 35 U.S.C. § 102(b) as anticipated by the *Adams* patent, US 6,156,285, is traversed and reconsideration is respectfully requested. The *Adams* patent describes a method for densifying particulate silica with a screw feeder. *Adams* does not show compaction by a roller compactor or pressing filter belt. The method used by *Adams* is not so closely related to the way in which applicants' silica is formed as to create a presumption that the respective end products would be the same. Anticipation of the present claims has not be established.

The rejection of Claims 3 and 5 under 35 U.S.C. § 103(a) as unpatentable in view of the *Hartmann, et al.* patent, US 5,959,005, is traversed and reconsideration is respectfully requested.

Hartmann, et al., describes a surface modified hydrophobic silanized silica powder which has been structurally modified by a ball mill. No thickening effect is observed following the procedures shown in the *Hartmann, et al.*, patent. Consequently, a person skilled in the art wishing to produce an adhesive or sealant composition exhibiting a good thickening effect would not select the silica powder described by *Hartmann, et al.* Applicants' silica is produced by a roller compactor or by a pressing filter belt as shown in para. [0146] of applicants' published application 2007/0129480. The sealant and adhesive compositions according to the present invention have the advantage that the thixotropic feature is not changed but the incorporation time is markedly shorter. This is explained in paras. [0167] to [0170] of applicants' published application US 2007/0129480.

Applicants respectfully submit that there is no teaching in the *Hartmann, et al.*, reference which would suggest any modification or change in the *Hartmann, et al.*, invention whereby a person skilled in the art would arrive at the presently claimed subject matter.

Accordingly, applicants respectfully request that all rejections be withdrawn and that the application be allowed at the Examiner's earliest convenience.

Respectfully submitted,



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